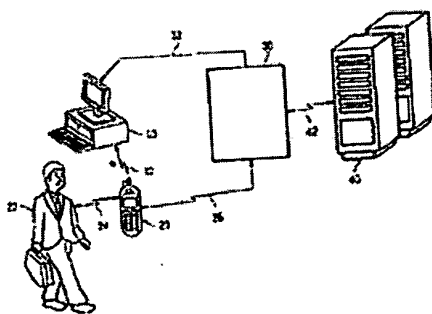


REMARKS

Claims 1-6 and 8-10 are pending in the above-referenced patent application and have been rejected by the Examiner.

The Examiner has rejected claims 1-6 and 8-10 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner alleges that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed had possession of the claimed invention. The Examiner alleges that the "checking facility which is "directly" connected to the transmitting agent, is not supported by the specification." Applicant respectfully disagrees.

At page 5, lines 8 and 9 of the application as filed, the application states in pertinent part; "Furthermore, a third data link 32 between the payment center 30 and the cash register 10 is used." In addition, FIG. 1 of the application as filed (shown below) illustrates a direct link between the payment center and the cash register.



Since the drawings are considered part of the specification, it is immediately apparent that the claim language that the Examiner has questioned is amply supported by the specification. An early action to that effect is earnestly solicited.

The Examiner has also rejected claims 1-6 and 8-10 under 35 U.S.C. § 103 (a) as being unpatentable over United States Patent No. 6,487,540 to Smith et al. Smith is directed to a method for the generation, transmission, storage, and manipulation of electronic receipts which communicate itemized purchase transaction information. In the Office Action, the Examiner states that Smith discloses a method for carrying out payment processes in which a cash register (61) transmits a payment demand wirelessly via a first link. In support, the Examiner relies on column 7, lines 32+, this passage of the Smith reference reads as follows.

"Once verified, the order could be transmitted wirelessly to the wireless vending device whereupon the device would respond by indicating that there were sufficient quantities of product available at the price requested and would transmit that information back to the wireless purchasing device along with an authorization code. The wireless purchasing device would then forward the authorization code in a request to the authorization processor 30. Authorization processor 30 would then locate the appropriate customer bank lender 39 and forward the request for transfer of funds. The customer bank lender would use the authorization code to locate the correct vendor account and it would transmit funds from the owner of the wireless purchasing device over into the account of the vendor. Once the funds have been transferred, a transfer verification would be forwarded back to the authorization processor *back to the wireless purchasing device and forwarded to the wireless vending device 61*. Upon receiving the verification, the vending device would release the product to the owner of the wireless purchasing device." (*emphasis ours*)

Unlike the invention recited in claim 1 of the instant application, Smith does not teach or suggest that "the payment center sends a payment confirmation directly to the cash register." Nor does Smith teach or suggest "a

checking facility which is directly connected to the transmitting agent, the receiving agent and a releasing agent and receives by this means the payment demand and the payment confirmation," as is recited in claim 9 of the present application. Instead Smith teaches, as is set forth in the quoted passage above, that "Once the funds have been transferred, a transfer verification would be forwarded back to the authorization processor back to the wireless purchasing device and forwarded to the wireless vending device 61." Accordingly, Smith teaches away from the invention recited in the instant application by disclosing that the transfer verification is transmitted from the payment center to the wireless purchasing device and then to the vending device. This is directly contrary to the invention recited in claims 1 and 9 of the application in question. Where, as is the case here, a reference teaches away from the claimed invention, a section 103 rejection is improper. For at least these reasons, Applicant respectfully submits that claims 1 and 9 are patentably distinguishable over the reference applied by the Examiner and an early action to that effect is earnestly solicited.

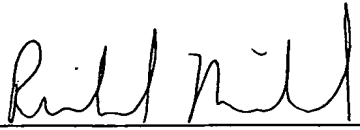
Based on the foregoing, Applicant contends that claims 1 and 9 are in condition for allowance. Since the remaining claims all ultimately depend from claim 1 or claim 9, they too are allowable. Should any matter remain unresolved, Applicant requests that the Examiner contact Applicant's Representative at the number listed herein below.

A check in the amount of \$110.00 in payment of a one-month extension of time is submitted herewith. A deposit account has been applied for in the name of Michaud-Duffy Group LLP, and it is anticipated that this deposit account will be activated shortly. Thus, if any deficiencies in fees associated with this

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Amdt. dated Dec. 3, 2004
Reply to Office Action of Aug. 5, 2004

Response are required, Applicant's Representative would be most appreciative if the Examiner could cross-reference the applied-for deposit account and apply those charges thereto.

Respectfully submitted,

By 
Richard R. Michaud
Registration No. 40,088
Attorney for Applicant

Michaud-Duffy Group LLP
CenterPoint
306 Industrial Park Road
Suite 206
Middletown, CT 06457-1532